



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SOUTHWEST OFFICE OF NATIVE AMERICAN PROGRAMS

Certified Mail Return Receipt Requested

November 14, 2013

Chukchansi Indian Housing Authority
P.O. Box 1509
Coarsegold, CA 93614-8776

SUBJECT: Federal Fiscal Year 2014 Indian Housing Plan
Grant Number 55IH0627620
Request for a 90-day Waiver

Dear Chukchansi Indian Housing Authority:

In accordance with Section 101(b)(2) of the Native American Housing Assistance and Self Determination Act (NAHASDA) and 24 CFR §1000.225, HUD may grant a waiver for up to a maximum of 90-days as authorized by law from October 18, 2013, when the Indian Housing Plan (IHP) was due to be submitted, through January 16, 2014.

Section 101(b)(2) provides that the Secretary may waive the applicability of the IHP requirements under Section 101(b)(1), in whole or in part for a period of not more than 90 days, if the Secretary determines that an Indian tribe has not complied with, or is unable to comply with, those requirements due to exigent circumstances beyond the control of the Indian tribe.

On October 21, 2013, the Southwest Office of Native American Programs (SWONAP) sent a letter to the Chukchansi Indian Housing Authority (CIHA) informing it that its FY 2014 IHP was not in compliance with Section 102(c) of NAHASDA. The IHP did not include an acceptable certification by the "recognized tribal government" of the Picayune Rancheria of Chukchansi Indians. The IHP, therefore, was not deemed in compliance with NAHASDA.

The Picayune Rancheria of Chukchansi Indians is experiencing a conflict among various factions, each claiming to constitute the recognized governing body of the Tribe. This tribal leadership dispute is still ongoing and related administrative proceedings are still pending before the Bureau of Indian Affairs and the Interior Board of Indian Appeals. CIHA, therefore, may not yet be able to provide a required tribal certification under Section 102(c) that is acceptable to HUD.

In accordance with the waiver authority of section 101(b)(2) of NAHASDA, SWONAP finds good cause to grant the CIHA a waiver of the certification requirement until January 16, 2014 for the following reasons:

- Although the IHP was prepared and submitted, a lack of a recognized tribal government caused an interruption of government and administrative operations.

- Section 6 of the Executive Order 13175, "Executive Order on Consultation and Cooperation with Tribal Governments" of November 6, 2000, requires HUD to consider applications for statutory and regulatory waivers with a general view of increasing opportunities for utilizing flexible policy approaches.
- Section 6 of the Executive Order 13175, states that in addition to adhering to the fundamental principles of the Order, that with respect to Federal statutes and regulations administered by Indian tribal governments, the Federal Government shall grant Indian tribal governments the maximum administrative discretion possible.
- Additionally, 24 CFR §1000.224, states HUD may waive any IHP requirement, including the certification requirements of NAHASDA, for a period of not more than 90 days beyond the IHP submission deadline date.

In order for its IHP to be in compliance with Section 102 of NAHASDA, CIHA must provide an acceptable tribal certification under Section 102(c) by the end of the 90-day waiver period granted here, i.e., by January 16, 2014. If CIHA fails to do so, Section 101(b)(1) prohibits HUD from awarding CIHA an IHBG grant for FY2014.

Therefore, CIHA's 2014 IHP due date is extended to January 16, 2014. If you have any questions, please contact Sarah Olson, Grants Management Specialist, at (602) 379-7233 or by e-mail at Sarah.D.Olson@hud.gov.

Sincerely yours,


for Carolyn O'Neil
Administrator

cc:

Nancy Ayala
Picayune Rancheria of Chukchansi Indians
46575 Road 417
Coarsegold, CA 93614

Reggie Lewis
Picayune Rancheria of Chukchansi Indians
8080 N. Palm, Ste 106
Fresno, CA 93711

Morris Reid
Picayune Rancheria of Chukchansi Indians
PO Box 850
Coarsegold, CA 93614

bcc:

9EPIG CIHA 2014 IHBG IHP File

9EPIG: GM Chron/Database/Mail Log – Ouellette

9EPIG: Olson

9EPIG: S.Olson/sdo x7233 11-7-2013 (revised by JKA and GAN/HQ OGC)

J: CIHA 2014 IHBG Request for 90 day waiver Response Letter sdo 11-7-2013

Control Number: GMP13-226

CONCURRENCE AND DATES:

9EPIG 9EPIG

Olson Holden

SDO RH

11/14/2013 11-14-13